

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 482 OF 2005
ALONGWITH
CRIMINAL WRIT PETITION NO. 483 OF 2005

M/s. Fancy Corporation Ltd.& Anr. ...Petitioners

Versus

State of Maharashtra & Anr. ...Respondents

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Mr. Pranoy Badheka i/b Mr. J.M. Shah, Advocate for
Petitioners

Mr. Y.S. Shinde and Ms. S.V. Gajare, A.P.P. for
State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 30TH JUNE, 2005

P. C.:-

1. Heard both sides.

2. The petitioners have prayed for quashing of process issued against them in Criminal Case No. 674/S/2003 and 676/S/2003 which are pending in the Court of learned Metropolitan Magistrate, 23rd Court at Esplanade, Mumbai. In the said case, process has been issued against the petitioners under Section 138 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of

2005 and order dated 21st June, 2005 passed in Criminal Application No.550 of 2005, the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer revision before the concerned Sessions Court. The learned advocate for the petitioners states that the necessary revision would be preferred within a period of three weeks from today. In view of this statement the trial Court shall not proceed with the trial for a period of three weeks from today.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Office to issue an authenticated copy of this order to the parties.

7. Writ petitions are disposed of.
